

BLAENAU GWENT COUNTY BOROUGH COUNCIL

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

**Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 1995**

APPROVAL OF REMOVAL/VARIATION OF CONDITION

TO

Chelverton Developments Ltd
Richmond House
22 Richmond Hill
Clifton, Bristol

In pursuance of its powers under the above mentioned Act and order, the Blaenau Gwent County Borough Council (hereinafter called "the Council") as Local Planning Authority hereby permits:-

Variation of condition 16 to enable an element of convenience goods retailing from Unit 2.
Unit 2 Lakeside Park Nantyglo

in accordance with the plan/s and application submitted to the Council on 12 October, 2006 subject to the conditions specified under:-

1. Approval of the details of the design, external appearance, and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority in writing before any commencement of development.
2. For the avoidance of doubt, details pursuant to siting and access hereby approved relate to drawing no. 0843-PO2 B dated 03.02.04 received by the Local Planning Authority on 5th April 2004.
3. Approval of the following details shall be obtained from the Local Planning Authority prior to the commencement of development.
 - a) The means of foul and surface water drainage (including where necessary oil interceptors).
 - b) Position, height and materials for all walls, fences, retaining structures and other enclosures.
 - c) Minor structures such as refuse facilities/trolley bays/street furniture.
4. Prior to the commencement of development, a palette of materials for all building, roads, paths and other structures shall be submitted for the approval of the Local Planning Authority. The development must be carried out in accordance with any approved details.
5. Prior to the commencement of development hereby approved, details shall be submitted for the approval of the Local Planning Authority which shall provide for extraction equipment to be installed. This shall be in such a manner that cooking odours and steam etc. are properly extracted and discharged into the atmosphere thus

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preventing obnoxious or nuisance smells. Such details that are approved must be implemented in full prior to the commencement of development.

6. Provision shall be made for the cleansing of vehicles (including wheel washing) leaving the site in accordance with details to be submitted for the approval of the Local Planning Authority. No vehicle shall leave the site in such a manner that any material is deposited onto the public highway.
7. No materials, products or refuse of any kind shall be stored in the open on the site.
8. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound must be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound must be equivalent to the combined capacity of the tanks. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system must be sealed with no discharge to any watercourse, land or underground strata. Associated pipe-work must be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
9. Development shall not begin until the results of a site investigation and an assessment of the overall stability of the site (and surrounding land if appropriate and necessary) and suitability of the site for such a development as proposed have been submitted to the Local Planning Authority and approved in writing. The development hereby approved shall incorporate in full all the measures shown to be necessary in the assessment.
10. The gates to the foodstore service yard shall not open outwards over the highway.
11. Prior to the commencement of development, details of all external plant and machinery and measures for the attenuation of noise emanating from them shall be submitted for the approval of the Local Planning Authority. All approved details must be implemented in full prior to the store being brought into beneficial use.
12. No deliveries shall be received at the service yard serving the non food outlets/A3 use between the hours of 21.00hrs and 08.00hrs. Between these times the yard shall remain closed to all traffic.
13. Prior to the commencement of development detail of all external lighting shall be submitted for the approval of the Local Planning Authority. The development shall be carried out in accordance with any such approved details.
14. The A3 premises hereby permitted shall be operated as a public house or restaurant only and for no other purpose [including any other use in Class A3 i.e. takeaway of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order].
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no retail mezzanine floors shall be inserted into the buildings hereby approved.
16. The units marked 1-4 on the approved plan shall be used for A1 non-food use only;
 - (a) Except that Unit 1A may be used for the sale of food which shall be predominantly frozen food and shall not exceed 465sqm. For the avoidance of doubt, "predominantly" shall mean that freezer cabinets shall occupy not less than 60% of the sales floor area (excluding circulation space and checkouts).
 - (b) In unit 2, a maximum of 30% of the net floorspace may be used for the sale of pre-packaged food and drink products. For the avoidance of doubt, this consent shall not

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extend to the sale of frozen or fresh produce. Fresh produce is defined as produce with a normal shelf life of less than 28 days.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the units marked 1-4 on the approved plan in the western portion of the site shall be limited to an overall maximum of 3500sqm. They shall not be subdivided into units any less than 465sqm.GIA or subdivided into more than 7 individual retail units.
18. The main food store must be primarily a seller of convenience goods. The floorspace shall therefore have a maximum net sales area of 3500sqm. Of which a minimum of 60% shall be for the sale of convenience goods. Comparison goods are therefore limited to a maximum of 40% of the net sales area of 3500sqm. (For the avoidance of doubt, convenience goods shall include food, drink, pet food, tobacco, newspapers/magazines, health/beauty goods and household cleaning products including detergents.)

The reasons for the Council's decision to grant permission for the development subject to the compliance with the conditions hereinbefore specified are:-

1. These reserved matters have not been submitted for approval
2. To define the scope of the permission as an amended site layout plan was submitted.
3. To ensure that the development takes place in an acceptable manner and these details have not been submitted for approval.
4. To ensure a high quality form of development.
5. In the interests of amenity.
6. To protect the public highway and in the interest of highway safety.
7. In the interests of amenity.
8. To prevent pollution of the water environment.
9. The Local Planning Authority is aware that the site may be affected by land instability and/or possible contamination and it considers that this should be addressed in the development.
10. To prevent obstruction of the public highway.
11. In the interests of the amenities of the area.
12. To protect the amenities of the residential properties to the west.
13. To safeguard the amenities of nearby existing and future residential properties.
14. To ensure that no alternative use is made of the premises when the traffic and amenity implications of a takeaway use has not been fully considered.
15. The impact of the development on the adjacent centre has been considered in the light of the submitted information only.
16. To protect the long term vitality and viability of Brynmawr Town Centre.
17. The impact of the development on the adjacent centre has been considered in the light of the submitted information only.
18. To protect the viability of the adjacent town centre.

Notes to Applicant

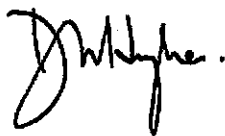
1. The developer is advised that this site is considered a prominent gateway to the town. All reserved matters should reflect this in quality of design, materials and landscaping.

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2. The developer is advised that the responsibility and subsequent liability for safe and satisfactory development rests entirely with the developer and/or landowner.
3. The developer is advised to contact the Highway Authority in respect of detailed technical aspects of the development which may affect the public highway.
4. The developer is advised to contact the Environment Agency regarding any other land drainage approvals that may be required.
5. Any advertisement(s) apart from those permitted by the relevant Regulations will require the consent of the Local Planning Authority prior to display.

The Adopted Development Plan for Blaenau Gwent is the Adopted Unitary Development Plan. This planning permission is issued having regard to policies in the Blaenau Gwent UDP including Policies S1, S3, S4.

Signed



Chief Public Protection Officer

Date: 8 December 2006

IT IS IMPORTANT THAT YOU READ THE NOTES ON THE REVERSE OF THIS FORM